

### REMARKS/ARGUMENTS

Applicants canceled pending claims 1-23 and added new claims 24-55. Applicants submit that all the requirements of claims 24-55 are disclosed on at least pages 10-12, 53-55, and 90-94 and FIGs. 1, 2, and 6 of the Application discussing the "Event Processing".

The Examiner rejected claims 1-23 as anticipated (35 U.S.C. §102(e)) by Axberg (U.S. Pub. No. 2003/0149769). Applicants request the Examiner to withdraw this rejection because Axberg was in fact filed on the same day of October 5<sup>th</sup> that the present Application was filed, not on October 4<sup>th</sup> as indicated on the face of the Axberg publication. Axberg and the pending application are commonly assigned to International Business Machines, Corp. ("IBM").

Applicants submit herewith a copy the U.S. Postal Service Express Mail receipt received when depositing the Axberg application with the U.S. Postal Service. The Express Mail receipt shows in the "date in" field that the Axberg application was in fact mailed on October 5<sup>th</sup>, not October 4<sup>th</sup>. Applicants further submit a copy of the return receipt postcard and transmittal letter which also show that the Axberg application was mailed October 5<sup>th</sup>, the same day as the present application.

According to 37 CFR 1.110(a), an Application filed by Express Mail, such as the Axberg application, "will be considered filed with the USPTO on the date of deposit with the USPS" and that the "date of deposit with USPS is shown by the 'date in' on the 'Express Mail' label or other official USPS notation." Here, the "date in" on the Express Mail receipt received when depositing the Axberg application shows that the Axberg application was filed on October 5<sup>th</sup>, the date the present application was filed. The assignee intends to file a correction to the filing receipt submitting this evidence to change the filing date of the Axberg application to October 5, 2001, not October 4<sup>th</sup>.

Accordingly, Applicants request that the Examiner withdraw the rejection in view of Axberg because Axberg was filed on the same day as the present application and thus is not prior art to the present application.

### Conclusion

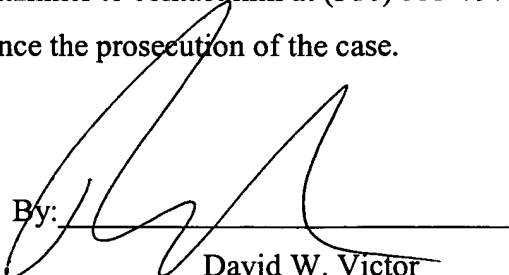
Applicants request Examination of claims 24-55. Applicants further submit herewith the fees for the claim amendments. Nonetheless, should any additional fees be required, please charge Deposit Account No. 09-0466.

Amdt. dated April 4, 2005  
Reply to Office action of Jan. 3, 2005

Serial No. 09/972,542  
Docket No. SJO920010095US1  
Firm No. 0037.0102

The attorney of record invites the Examiner to contact him at (310) 553-7977 if the Examiner believes such contact would advance the prosecution of the case.

Dated: April 4, 2005

By:   
David W. Victor  
Registration No. 39,867

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Docket No.: SJ09-2001-0108 Express Mail Label No.: EL 835 825 606 US  
 Title: STORAGE AREA NETWORK METHODS AND APPARATUS WITH  
 EVENT NOTIFICATION CONFLICT RESOLUTION  
 Application of: Gary Thomas Axberg

The following U.S. Patent Application was received in the U.S. PTO Mail Room on the date stamped hereon:

- (1) Transmittal Letter; *cm*
- (2) Application (257 total sheets, of which: Specification, incl. cover sheet (195 sheets); Claims (13 sheets); Abstract (1 sheet); Drawings (48 sheets));
- (3) Declaration and Power of Attorney (unexecuted); *cm*
- (4) Assignment (unexecuted); *cm*
- (5) Check in the amount of \$844.00; and
- (6) Two Return Receipt Postcards. *cm*

Attorney: DJP

jc971 U.S. PTO

09/972310

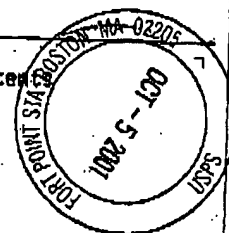
Date: October 5, 2001



10/04/01

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Date In 10-5-01		Time In 12 Noon <input checked="" type="checkbox"/> 3 PM		Postage \$ 19.15	
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<b>FROM: (PLEASE PRINT)</b> NUTTER MCLENNEN & FISH, LLP 1 INTERNATIONAL PL FL 13 BOSTON MA 02110-2699 David J. Powsner 0102396-00015			<b>TO: (PLEASE PRINT)</b> Assistant Commissioner for Patent Box: New Patent Application Washington, DC 20231 SJ0902001-0108 (0372)		
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October 5, 2001

Assistant Commissioner of Patents  
Washington, DC 20231  
Box: New Patent Application

Re: New U.S. Patent Application for  
Title: STORAGE AREA NETWORK METHODS AND APPARATUS WITH EVENT  
NOTIFICATION CONFLICT RESOLUTION  
First Named Inventor: Gary Thomas Axberg  
U.S. Express Mail Label No.: EL 835 825 606 US  
Our Docket No.: SJ09-2001-0108

## Transmittal Letter

Dear Sir: ...

Please find enclosed a U.S. patent application as follows:

- 1) This Transmittal Letter;
- 2) Application (257 total sheets, of which: Specification (incl. cover sheet) (195 sheets); Claims (13 sheets); Abstract (1 sheet); Drawings (48 sheets));
- 3) Declaration and Power of Attorney (unexecuted);
- 4) Assignment (unexecuted);
- 5) Check in the amount of \$844.00; and
- 6) Return Receipt Postcard.

Please charge any additional fees that may be required to Deposit Account No. 141449.

Kindly acknowledge receipt of the foregoing application by returning the self-addressed postcards.

Respectfully submitted,

  
David J. PowsnerEnclosures  
DJP:cm

RECEIVED DEC 12 2001

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